

MINUTES

Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on July 1-2, 2003 in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, 2nd Floor, Nashville, TN.

TUESDAY, JULY 1, 2003 –

Those present were: Max Billingsley, Chairman; Phillip Carter, Board member; Marshall H. (Pete) Ragan; and Donna Moulder, Administrative Director for the Board. Dave Gilbert, Public Board Member and Carol Kennedy, Administrative Assistant for the Board, were not present.

Chairman Billingsley called the meeting to order at 8:50 a.m.

Peter Messier, the administrator and proctor of the examination was present.

The Board reviewed the scores of the April 2003 examination. Max Billingsley made a motion to approve the scores. Pete Ragan seconded the motion. The motion carried unanimously. A total of 64 passed the examination(s) and will become newly licensed land surveyors.

Phil Carter made a motion that the administrative director sign applications by direct motion of the board. The motion was seconded by Pete Ragan. The motion carried unanimously.

Max Billingsley made a motion that the Board adopt a policy regarding the review of the results of the TLS exams. The applicants may contact the proctor and administrator of the exam, Peter Messier, for responses to general questions, which is fine and acceptable to the Board. When a question cannot be properly addressed by Peter Messier, the applicant is to put his question in written form to the Board or if the applicant wishes to meet with the Board, he must send a written request to the Board requesting an audience with the Board at a regularly scheduled Board meeting. Pete Ragan seconded the motion with some discussion. The motion carried unanimously.

OLD BUSINESS:

Complaint #200207892 – Elmore vs. Biggs –

Mr. Biggs paid his civil penalty of \$500.00 on May 12, 2003. Pete Ragan made a motion to close this complaint. Phil Carter seconded the motion. The motion carried unanimously.

Max Billingsley then made a motion to reinstate Mr. Biggs license as requested by reapplication per TCA 62-18-114(c) without further examination. Phil Carter seconded the motion. The motion carried unanimously.

REQUEST FOR REAPPLICATION –

Terry Westerman, TLS #1946 (expired) reapplied for licensure due to expired status per TCA 62-18-114(c). Mr. Westerman's license expired December 31, 1997.

Complaint #200105756 – Carpenter vs. Rudd –

Mr. Rudd paid his civil penalty of \$5,000.00 on April 14, 2003. Max Billingsley made a motion to close this complaint. Phil Carter seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 3:40 p.m.

WEDNESDAY, JULY 2, 2003 –

Those present were: Those present were: Max Billingsley, Chairman; Phillip Carter, Board member; Marshall H. (Pete) Ragan; Donna Moulder, Administrative Director for the Board; and Scott Ledford, Staff Attorney for the Board. Dave Gilbert, Public Board Member and Carol Kennedy, Administrative Assistant for the Board, were not present.

The meeting was called to order at 9:20 a.m. by Chairman Billingsley.

Scott Ledford, Staff Attorney, gave an update on the following complaints:

Complaint #200206868 –

Mr. Ledford stated that Formal Hearing and Charges are to be filed next week.

Complaint #200105865 –

Mr. Ledford stated that this complaint is still pending in investigations.

Complaint #200209177 –

Mr. Ledford stated that this complaint is still pending in investigations.

Complaint #299193677 –

Mr. Ledford stated that he has requested personal service of final notice. The complaint is still pending in investigations on whether service was accomplished.

NEW BUSINESS:

Mr. Ledford then presented the following new complaints for review:

Complaint #200313614 –

This is essentially a boundary dispute and the relief requested is beyond the Board's reach. However, the complainant validly asserts a failure to notify him of adverse possession. The respondent noted that he was unaware of any such requirement in November 2000. Research shows that the requirement became effective in June 2000.

Mr. Ledford recommended that the complainant and the respondent appear before the Board for an informal conference since there is no evidence, other than the complainant's assertion, that the respondent should reasonably have noticed the adverse claim.

Complaint #2003113624 –

Pete Ragan made a motion to dismiss this complaint due to the fact that the complaint appears to be a boundary dispute, over which the Board has no jurisdiction. Max Billingsley seconded the motion. The motion carried unanimously.

Complaint #200313800 –

Max Billingsley made a motion to dismiss this complaint based on the fact that the complaint appears to be a boundary dispute, over which the Board has no jurisdiction. Pete Ragan seconded the motion. The motion carried unanimously.

INFORMAL CONFERENCE – Complaint #200312000 – Batty vs. Nail –

Mr. Nail, the respondent, was present. Max Billingsley made a motion to fine Mr. Nail \$500.00 for violation of TCA 62-18-116(A), (C) and (D) "provided that the Board has some kind of assurance that this is not going to happen in the future." Mr. Nail assured the Board that this would not happen again. Mr. Billingsley also

stated that “with this particular offer, he would offer to close this complaint to get this particular client out of the picture and then it would be between you and the Board that it would be only other valid complaints that would come in. We would expect not to see any more valid complaints from other people not involved in this particular complaint.” Phil Carter recommended a probationary period

After review of Mr. Nail’s final plat and description information, Max Billingsley made a motion to offer the respondent an agreement of a civil penalty of \$500.00, the respondent agrees to improve his practice above the Standards of Practice and a probationary period of one year, effective from the date of the agreed order and the respondent is not to violate the Standards of Practice and finally, the Board will settle, or close, this complaint against Mr. Nail. Phil Carter seconded the motion. After some further discussion, the motion carried unanimously.

There being no further business, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Donna Moulder
Administrative Director

K. Max Billingsley, Chairman

Phillip R. Carter

Marshall H. (Pete) Ragan

Dave B. Gilbert

APPLICANTS WHO PASSED THE APRIL 2003 EXAMINATION

Rodney S. Barrett
Jeffrey B. Buck
Tori D. Cassidy
James J. Cross
Larry M. Culbertson
Stanley K. Draper
David T. Holland
Timothy J. Howell
George H. McMillian, Jr.
James C. Phillips
William S. Ball (PLSIT)
Joseph A. Brown (PLSIT)
John W. Cole (PLSIT)
Marshall J. Davidson (PLSIT)
Brad T. Thomas (PLSIT)
Jeffrey P. Chandler
Charles D. Parker
Christopher N. Billingsley
Jeffery L. Caison
Robert L. Crabtree
Joe Alan Cummings
Richard L. Dayton
James D. Edwards
Floyd, Wesley S.
Brian K. Foster
Eric G. Gentry
Roger H. Harrah
Lucas T. Hartley
Brian E. Hicks
Charles T. Johnson, Jr.
James P. Lueking
Russell L. Matthews
George F. McLaughlin III
Michael J. Moore
James D. Mort

Howard Glen Blankenship, Jr.
Scottie G. Brewer
William E. Crenshaw
Timothy B. Mounts
Christopher S. Pugh
Wanis A. Rghebi
James G. Terry
Bryan C. Zeigler
James D. Byington
Autrey E. Dye, Jr.
Thomas A. Franklin
John M. Gamble
Daniel B. Hopson
Bobbie Jo Lowe
Phillip E. Roberts
Ronald G. Taylor
Michael E. Bartenfeld
Barry P. Murphy
Larry A. New
Marvin J. Nunley
Andrew J. Pirtle
Quenton S. Pulliam
Steven Robinson
Frank L. Sellinger II
Aaron Smith
Knox T. Smith III
William T. Smith
William H. Sommerville III
Kenneth E. Sorrels
Randy L. Stephens
James C. Tidwell
Ricky A. Tosh
Stanley M. Ward
Allen J. Young

APPLICANTS WHO FAILED THE APRIL 2003 EXAMINATION

Michael K. Adams
Mark W. Bates
John D. Baumann
John A. Best
Noah B. Bobo, Jr.
Stanley Briggs
Brian J. Brown
Jason Kyle Carmack
Buddy R. Curtis
Joseph F. Dodson
William J. Duke, Jr.
Charles R. Ellis
Derek E. Gernt
Charles Troy Halliburton
James L. Hill, Jr.
David M. Holmes
Todd D. Huffstetler
Robert P. Jordan II
Brian W. Keith
Ryan S. Lynch
Michael R. Maness
Daniel C. Moore
Larry Keith Moore
Terrance K. Murray
Stephen B. Murrell
David A. Neal
James L. Nichols
Jerran T. Owens
Ronald G. Rikard
Donald S. Roe, Jr.
Ollie F. Sexton III
Barry O. Smith
Piroschka Lynn Spencer
Jeffrey M. Weems
Randall R. White
Carlen J. Wiggins, Jr.
George W. Williams
Jonathan W. Willis
Douglas E. Jones
Victor E. Morris (PLSIT)
Bryan R. Armstrong
Billy J. Berger
Gary S. Carter

John C. Sexton
Patricia M. Williams
Robert L. Barnett II
Jeffery J. Whitson
Jerry B. Bradley
Martin Figura
Timothy A. Henry
Anthony S. Richmond
Todd E. Bishop
Kevin Scott Cagle
Thomas Chandler
Dwight Crutchfield
Matthew W. Curry
Mark H. Driver
Clint T. Elliott
Joseph B. Garrett
Michael S. Greene
Thomas K. Harvey
James M. Hutcheson
Jeffrey A. Leopard
Brian A. McCain
Paul K. Moody III
Tracy K. Seiber
Christopher B. Sexton
Kenneth C. Spencer
Roger W. Taylor
Terry A. Baker
David K. Foster
Claude D. Martin, Jr.
Clarence t. Smith